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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,936	05/11/2005	John O'Donnell	056258-5073	4956

22879 7590 03/30/2007  
HEWLETT PACKARD COMPANY  
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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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SHAH, MANISH S

ART UNIT	PAPER NUMBER
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2853

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/509,936

Applicant(s)

O'DONNELL ET AL.

Examiner

Manish S. Shah

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 12-15 is/are allowed.
- 6) ☒ Claim(s) 7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payne et al. (# WO 02/45971 A1) in view of Henry (# EP 0485079 A1).

Payne et al. discloses:

- The polymonoguanide has been obtained by a process comprising melt polymerisation of a C<sub>3-18</sub>-hydrocarbyl diamine with a guanidine salt other than guanidine hydrochloride (page: 4, line: 8-15).

- A process for preparing a polymonoguanide comprising solvent or melt polymerisation of a C<sub>3-18</sub>-hydrocarbyl diamine with a guanidine salt other than guanidine hydrochloride (page: 4, line: 8-15), wherein the polymerisation is melt polymerisation performed at a temperature of 100 C to 200 C (see Examples).

Payne et al. fail to teach that the fixing composition has a chloride concentration less than 400ppm by weight, and the solvent polymerization and the solvent has Log P of between -1.5 and +1.

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Henry teaches that to prevent from microorganism growth, fixing composition (aqueous composition) includes biguanide compound with chloride compound (page: 5, line: 35-55; page: 6, line: 1-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fixing composition of US Patent (# 6932466) by the aforementioned teaching of Henry in order to prevent from microorganism growth in the composition, which increases the storage stability of the composition.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to incorporate chloride concentration less than 400ppm by weight, and solvent has Log P between -1.5 and +1, since it has been held that it is not inventive to discovering and optimum value or workable ranges by routine experimentation. *In re Aller*, 105 USPQ 233 (CCPA1955).

2. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duerr (# US 2545423) in view of Henry (# EP 0485079 A1).

Duerr discloses:

- The polymonoguanide has been obtained by a process comprising melt polymerisation of a C<sub>3-18</sub>-hydrocarbyl diamine with a guanidine salt other than guanidine hydrochloride (column: 1, line: 20-61; column: 2, line: 1-60; see Examples).

- A process for preparing a polymonoguanide comprising solvent or melt polymerisation of a C<sub>3-18</sub>-hydrocarbyl diamine with a guanidine salt other than guanidine hydrochloride (column: 1, line: 20-61; column: 2, line: 1-60; see Examples).

Duerr fail to teaches that the fixing composition has a chloride concentration less than 400ppm by weight, the solvent polymerization and the solvent has Log P of between  $-1.5$  and  $+1$ , and the melt polymerisation performed at a temperature of 100 C to 200 C

Henry teaches that to prevent from microorganism growth, fixing composition (aqueous composition) includes biguanide compound with chloride compound (page: 5, line: 35-55; page: 6, line: 1-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fixing composition of US Patent (# 6932466) by the aforementioned teaching of Henry in order to prevent from microorganism growth in the composition, which increases the storage stability of the composition.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to incorporate chloride concentration less than 400ppm by weight, solvent has Log P between  $-1.5$  and  $+1$  and the melt polymerisation performed at a temperature of 100 C to 200 C, since it has been held that it is not inventive to discovering and optimum value or workable ranges by routine experimentation. *In re Aller*, 105 USPQ 233 (CCPA1955).

***Allowable Subject Matter***

3. Claims 1-6 & 12-15 are allowed.

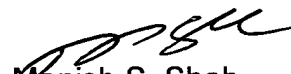
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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Manish S. Shah  
Primary Examiner  
Art Unit 2853

MSS

3/28/07